

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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**Allen C. Arksey,**

Plaintiff,

v.

**Linda McMahon,**

Defendant.

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**Civil No. 05-2347 (PJS-JJG)**

**REPORT  
AND  
RECOMMENDATION**

This matter comes returns to the undersigned after a motion, by defendant Commissioner of the Social Security Administration, to reopen the record. By an order on May 14, 2007, this Court granted plaintiff Allen Arksey an opportunity to show cause why this matter should not be dismissed with prejudice. He has not timely responded, likely because he prevailed on a prior remand to the Commissioner, and so he has no reason to oppose a final judgment in this case.

Being duly advised of all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. This litigation be **DISMISSED WITH PREJUDICE** and judgment entered.
2. This Court's order of May 14, 2007 be incorporated by reference.

Dated this 17th day of July, 2007.

s/Jeanne J. Graham

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JEANNE J. GRAHAM  
United States Magistrate Judge

### **NOTICE**

Pursuant to Local Rule 72.2(b), any party may object to this report and recommendation by filing and serving specific, written objections by August 6, 2007. A party may respond to the objections within ten days after service. Any objections or responses filed under this rule shall not exceed 3,500 words. The District Court shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.